

SENATE FILE NO. 74.]

[BY CHASE.

A BILL

FOR AN ACT TO REPEAL SECTION 3818 OF THE CODE, IN RELATION TO THE PAY-
MENT OF WITNESSES FOR THE DEFENDANT IN CRIMINAL CASES, AND TO
ENACT A SUBSTITUTE THEREFOR.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 3818
2 of the Code is hereby repealed and the following enacted as a substitute therefor, to-wit:

3 Sec. 3818. In no criminal case shall witnesses for the defense be subpoenaed at the ex-
4 pense of the county, except upon order of the court or judge before whom the case is pend-
5 ing; then only upon a satisfactory showing under oath that the witnesses are material and
6 necessary for the defense, and that the defendant has no property and is unable to procure
7 the attendance of such witnesses; and the board of supervisors shall in no case audit or allow
8 any claims for witness fees, or officers' fees for subpoenaing witnesses, for the defendant in
9 criminal cases, except upon order or judgment of court or judge thereof.